IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3469 OF 2006

Dadasaheb Balaram Jadhav .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Abhinandan Vagyani for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 26th September 2006.

P.C.

. Heard Mr.Vagyani for applicant and Mr.Pednekar, A.P.P. for State.

2. The request of the applicant is that he be enlarged on bail for a temporary period so as to enable him to make arrangements for an urgent surgery that is required to be performed on his ailing mother. The request is that the applicant is the only son and the surgery is urgent and, therefore, temporary bail be granted to enable him to do the needful.

3. Request was opposed and, therefore, the observations of the learned trial Judge that the circumstances do not permit the Court to release the applicant for a temporary period, even on humanitarian ground have been made and in the absence of relevant details. Mr.Vagyani upon taking instructions from the relative of the applicant who is present in court makes a statement that the said relative would file a affidavit disclosing the details pertaining to surgery including the tentative date and expenses for the same. Needless to state that upon such

affidavit being filed and a fresh application is made for temporary bail, the trial court to consider the same on its own merits and in accordance with law, uninfluenced by its earlier order so also disposal of this application. Further, needless to state that the application is not being pressed on merits but only for release on temporary bail to enable the applicant to perform surgery on his ailing mother, the trial court to deal with the same, as such.

(S.C.Dharmadhikari, J)